

SENATE JOURNAL

Forty-third Legislature—Third Called Session

FIRST DAY.

Senate Chamber,
Austin, Texas,
Monday, August 27, 1934.

The Senate met at 12 o'clock noon pursuant to the call of the Governor and was called to order by Lieutenant Governor Edgar E. Witt.

Temporary Officers.

The Chair announced the appointment of the following temporary officers:

Secretary, Bob Barker.
Sergeant-at-Arms, A. W. Holt.
Doorkeeper, W. J. J. Terrell.
Calendar Clerk, Mrs. Martha Turner.
Assistant Calendar Clerk, Gilbert Adams.
Journal Clerk, Mrs. Mary Rugeley.
Assistant Journal Clerk, Medford Dickerson.
Postmaster, Mrs. Lola Lawrence.
Chaplain, W. H. Doss.
Mailing Clerk, Edgar Loggins.
Librarian, Miss Theodosia Bell.
Engrossing and Enrolling Clerk, Miss Essie McGinnis.
Matron, Mrs. R. W. Rushing.
Head Porter, Jim Jackson.

Roll Call.

The roll disclosed a quorum, the following Senators being present:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodward.
Murphy.	

Absent.

Fellbaum	Russek.
Neal.	Small.
Purl.	Woodul.

Senators Excused.

On motion of Senator Hornsby, Senators Fellbaum, Russek, Purl, Neal, Small, and Woodul were excused for the day.

Prayer by the Chaplain.

Proclamation by the Governor.

The Chair laid before the Senate the following proclamation by the Governor:

Proclamation

by the

Governor of the State of Texas

To All to Whom These Presents Shall Come:

I, Miriam A. Ferguson, Governor of the State of Texas, do by virtue of authority vested in me by the Constitution of this State, hereby call a Special Session of the Forty-third Legislature to be convened in the City of Austin commencing at twelve o'clock noon on Monday the twenty-seventh day of August, A. D., 1934, for the following purposes:

1. To pass such law or laws as may be necessary to provide for the issuance and sale of the remaining bonds proposed and permitted under the constitutional amendment submitted by the Legislature in 1933 and adopted by the voters of Texas at an election duly held on the 26th day of August, 1933, for the purpose of affording relief to the unemployed and indigent persons of the State.

2. To consider and act on such other subjects and questions as I, as Governor, may from time to time during said Called Session submit by message or otherwise to the consideration of the Legislature.

The Secretary of State will hereby take notice of this action and notify the members of the Legislature.

Done at Austin, Texas, this twentieth day of August, A. D., 1934, under the Seal of the State properly attested by the Secretary of State.

MIRIAM A. FERGUSON,
(Seal) Governor of Texas.

Attest:

W. W. Heath,
Secretary of State.

The proclamation was read.

Election of President Pro Tem.

The Chair announced that the time for the election of a President Pro Tem. had arrived.

Senator Poage nominated Senator Murphy, the nomination being seconded by the whole Senate.

Senator Murphy was unanimously elected President Pro Tem.

The Chair appointed the following Senators to escort Senator Murphy to the platform, where the oath of office was administered:

Senator Poage and Senator Collie.

The Chair introduced Senator Murphy who briefly addressed the Senate.

Notification Committees.

The Chair appointed the following Senators to notify the House that the Senate was organized and ready for business:

Senators Holbrook, Rawlings and Poage.

To notify the Governor:

Senators Martin, Patton and Stone.

Committee from the House.

The Chair recognized the Doorkeeper who introduced a committee from the House who informed the Senate that the House was organized and ready for business.

Notification Committees Report.

The committee appointed to notify the Governor appeared at the bar of the Senate, and, upon recognition by the Chair, Senator Martin informed the Senate that the committee had performed its duty.

The committee appointed to notify the House appeared at the bar of the Senate, and, upon recognition by the Chair, Senator Holbrook informed the Senate that the committee had performed its duty.

Caucus Report.

The Chair recognized Senator Redditt, who sent up the following report of the Senate Caucus to elect officers and employees for the Third Called Session of the Forty-third Legislature.

Austin, Texas, August 27, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: At a caucus held in the office of the Senate, attended by 21 members of the Senate, the following recommendations were made, to-wit:

The following officers were elected to serve for the ensuing Third Called Session of the Forty-third Legislature and at the salaries set opposite their names:

Secretary of the Senate: Bob Barker—\$10.00 per day.

Sergeant-at-Arms: A. W. Holt—\$6.00 per day.

Doorkeeper: W. J. J. Terrell—\$5.00 per day.

Chaplain: W. H. Doss—\$5.00 per day.

Journal Clerk: Mrs. Mary Rugeley—\$6.00 per day.

Assistant Journal Clerk: Melford Dickerson—\$5.00 per day.

Calendar Clerk: Mrs. Martha Turner—\$6.00 per day.

Assistant Calendar Clerk: Gilbert Adams—\$5.00 per day.

Engrossing and Enrolling Clerk: Essie McGinnis—6.00 per day.

Postmaster: Mrs. Lola Lawrence—\$5.00 per day.

Mailing Clerk: Edgar Loggins—\$5.00 per day.

Librarian: Miss Theodosia Bell—\$5.00 per day.

It is recommended that each Senator, Lieutenant Governor and the Secretary of the Senate, be permitted to name one secretary and such employee shall act as clerk of the committee of which the Senator naming such employee shall be the chairman thereof, such employee to receive \$5.00 per day.

It is further recommended that each Senator and the Lieutenant Governor and the Secretary of the Senate be permitted to name one employee of the Senate in addition to their private secretary; that the names of such employees be referred to a committee of five Senators appointed by the chairman of the caucus, said committee to be authorized

to select from said employees all employees in the Engrossing and Enrolling Room and other departments of the Senate and to assign said employees to their proper places of employment; said employees so named by the Senators and the Lieutenant Governor and the Secretary of the Senate to receive the sum of \$4.50 per day.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus, are confirmed.

The salaries of the day and night elevator operators shall be \$3.00 per day each, and the salaries of the porters shall be \$2.50 per day each, except the head porter whose salary shall be \$4.00 per day and the porter carrying mail shall receive \$3.50 per day, and the salaries of the pages shall be \$2.50 per day and the salaries of the messengers shall be \$3.00 per day.

The Lieutenant Governor is requested to recommend that the Southwestern Telephone Company employ Miss Mary Jacobs to attend the duties of telephone operator of the Senate, and a night operator to be named by the committee of five Senators, out of the employees whose names are filed with said committee.

The Lieutenant Governor and Senators are hereby fully authorized and empowered to use all Assistant Sergeants-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate shall during the time he or she is employed, furnish to any person, firm or corporation any information pertaining to the Senate and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to some Senator or committee, shall report for duty at eight o'clock a. m. and one o'clock p. m., reporting to the Sergeant-at-Arms of the Senate, and none of such employees shall be paid for days they are absent from the Senate.

It is further recommended that no

person be employed by the Senate or under its direction, except private secretaries, who may be related within the second degree by affinity or within the third degree by consanguinity to any member of the Legislature or to any other person employed by or holding office under either the State of Texas, or the United States of America or political subdivision of this State, or by any public supported institution. (See Art. 432, Penal Code.)

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of Senate, be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges, such as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that 1500 Journals be printed; that same be prorated among the Senators and Lieutenant Governor, except that 150 Journals shall be furnished the Members of the House.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, the contract to be approved by the committee of five.

It is further recommended that the Secretary of the Senate be paid for his services rendered in advance of and in preparation for the convening of this, the Third Called Session of the Forty-third Legislature; and that the Sergeant-at-Arms be allowed pay for each day of service from the date he ceased drawing compensation from his other employment; and extra employees and the porters who were selected to prepare the Senate Chamber in advance of the meeting, be allowed pay for their services, the per diem allowed each of the employees mentioned in this section be the same as fixed herein.

It is further recommended that the Senate request the State Comptroller of Public Accounts to issue general revenue warrants for the pay of the members and employees of the Senate upon presentation of the payroll account signed by the presiding officer and the Secretary of the Senate.

The chairman of the caucus named

the following members of the Senate as the committee of five, as hereinabove mentioned:

Senators Redditt, Pace, Cousins, Woodward and Regan.

The committee of five hereinabove named shall have authority to employ P.B.X. operators at a per diem not to exceed \$5.00 per day.

It is further recommended that each Senator, and the Lieutenant Governor and the Secretary of the Senate, be permitted to subscribe for three newspapers to be paid out of the contingent fund.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ two additional employees of his own selection.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to the Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the chairman of the committee of five Senators aforesaid the name of the employee selected, together with his or her post-office address and a suggestion as to the special qualification of said employee.

It is further recommended that the names, place of residence and compensation of all employees be printed in the Journal, together with the name of the Senator responsible for the employment of his employee.

It is further recommended by the caucus that a clerk be selected for the 15th Senatorial District to look after the duties of said district.

PARR, Chairman.

The report was read and adopted.

Vote Recorded.

Senators Collie and DeBerry asked to be recorded voting "no" on adoption.

Officers Sworn In.

The officers and employees of the Senate were administered the oath of office by Lieutenant Governor Edgar E. Witt.

Message from the Governor.

The Chair recognized the Doorkeeper, who introduced the messenger from the Governor with the following message:

ger from the Governor with the following message:

Executive Office.

Austin, Texas, August 27, 1934.

To the Forty-third Legislature in Third Called Session:

By proclamation duly dated August 20th, A. D., 1934, I have convened the Legislature in special session to meet at high noon on this date to pass such law or laws as may be necessary to provide for the issuance and sale of the remaining bonds proposed and permitted under the constitutional amendment submitted by the Legislature in 1933 and adopted by the voters of Texas at an election duly held on the 26th day of August, 1933, for the purpose of affording relief to the unemployed and indigent persons of the State, and to consider such other subjects as I, as Governor, may from time to time submit by message or otherwise.

In connection with this call I beg to advise that official discussion with the Texas Relief Director and his assistants develops the fact that the funds now available for relief will be fully exhausted by October 1st, 1934. Further discussion develops the fact that the relief rolls are growing every day and it is now taking three and a half million dollars per month to afford only meagre relief to the indigent people of the State.

It appears from the best information and estimates obtainable that beginning on the first of October it will take at least five million dollars a month to afford anything like adequate relief to the people. We need not be surprised if the amount reaches seven million dollars a month, and I do not think that there is any doubt but that it will reach five million dollars a month beginning October 1st. Therefore, assuming that it will take five million dollars a month for the months of October, November, December, January, February, March and April, the total sum to be in some way made available will be thirty-five million dollars. The issuance of the remaining nine and a half million dollars of relief bonds, which if matched by the federal government, will amount to only nineteen million dollars or sixteen million dollars less than the amount which in all probability will have to be provided for. It will take in all probability full twenty million

dollars to take care of the situation before funds could be made available by the Regular Session of the Legislature in 1935, and for that reason it will take all the remaining nine and a half million dollars of bonds and an equal sum from the federal government to take care of the situation until the convening of the Legislature in regular session in 1935.

The issuance of these bonds at this time for the reason stated is highly imperative and I trust that the Legislature will act in the premises with prompt dispatch. By so doing we may have time to consider other important matters. I again assure you of my desire to cooperate with you in the interest of the public need at this perilous hour.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

The message was read.

Bills and Resolutions.

Senate Bill No. 1.

Senator Holbrook sent up the following bill:

S. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of one hundred thousand dollars (\$100,000.00) or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and to pay the mileage and per diem of members and per diem of employees of the Third Called Session of the Forty-third Legislature, providing the manner of approving and auditing accounts to be paid out of this appropriation, and declaring an emergency."

Read and referred to the Committee on Finance.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The constitutional rule requiring bills to be read on three several days was suspended and the bill was put on its second reading by the following vote:

Yeas—25.

Beck.	DeBerry.
Blackert.	Duggan.
Collie.	Greer.
Cousins.	Holbrook.

Hopkins.	Poage.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.
Murphy.	Sanderford.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodward.
Patton.	

Absent—Excused.

Fellbaum	Russek.
Neal.	Small.
Purl.	Woodul.

The bill was read second time and passed to engrossment.

The constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodward.
Murphy.	

Absent—Excused.

Fellbaum	Russek.
Neal.	Small.
Purl.	Woodul.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodward.
Murphy.	

Absent—Excused.

Fellbaum	Russek.
Neal.	Small.
Purl.	Woodul.

Senate Resolution No. 1.

The following resolution was sent up by Senator Stone:

Should any employee elected in caucus meeting not accept employment, then the committee named in the Caucus Report is authorized to fill the place.

Read and adopted.

Session Rules.

Senator Collie made a motion to adopt the rules of the previous called session of the Forty-third Legislature.

The motion prevailed.

Executive Session.

At one o'clock p. m. Senator Martin made a motion that the Senate go into Executive Session to consider the Governor's nominations.

The motion prevailed.

The Chair instructed the Sergeant-at-Arms to clear the Chamber and lock the doors.

After Executive Session.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the following action had been taken.

Austin, Texas, August 27, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred appointments of Notaries Public in and for certain counties, State of Texas, beg leave to report that we have had same under consideration, and I, as Chairman of said Committee, am instructed to recommend that same be in all things confirmed.

MARTIN, Chairman.

Confirmed.

On motion of Senator Sanderford the Senate at 1:10 p. m. adjourned until 10 o'clock Tuesday morning.

APPENDIX.**Committee Reports.**

Committee Room,

Austin, Texas, August 27, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 1, Making an appropriation to pay the contingent expenses

and mileage and per diem of members and per diem of officers and employees of the Third Called Session of the Forty-third Legislature.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

SECOND DAY.

Senate Chamber,

Austin, Texas,

August 28, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll disclosed a quorum, the following Senators being present:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Fellbaum	Russek.
Purl.	

Senators Excused.

On motion of Senator DeBerry, Senators Russek, Fellbaum and Purl were excused.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Holbrook.

Bills and Resolutions.**Senate Bill No. 2.**

Senator Rawlings sent up the following bill:

S. B. No. 2, A bill to be entitled "An Act ratifying, confirming and validating all bond and tax elections and the proceedings therein and preliminary thereto and the bonds issued or to be issued in pursuance thereof and the tax levies made and to be made for the payment of such bonds in all cases where any such